

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**JOSEPH A. LICAUSI,**

*Plaintiff,*

v.

**ALLENTOWN SCHOOL DISTRICT,  
*et al.,***

*Defendants.*

**Case No. 5:21-cv-00957-JDW**

**ORDER**

**AND NOW**, this 11th day of July, 2023, upon consideration of Defendants' Motion For Summary Judgment (ECF No. 37), and for the reasons set forth in the accompanying Memorandum, it is **ORDERED** that Defendants' Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The Motion is **GRANTED** with respect to Counts I and VI of the Amended Complaint (ECF No. 10);
2. The Motion is **GRANTED** with respect to Count V to the extent it states a claim for municipal liability for unconstitutional retaliation for speech and a policy-or-custom claim for municipal liability for unconstitutional retaliation for petition and redress of grievances; and

3. The Motion is **DENIED** with respect to Count II and Count V, to the extent Count V states a failure-to claim for municipal liability for unconstitutional retaliation for petitioning for redress of grievances.

It is **FURTHER ORDERED** that, on or before July 21, 2023, pursuant to Fed. R. Civ. P. (e)(4) and (f), each Party may submit a Memorandum, not to exceed five (5) pages, that addresses whether Mr. LiCausi has evidence to support a failure-to claim of municipal liability based on Mr. LiCausi's petition-based retaliation claim. Because Defendants did not squarely address this issue in their motion, and Mr. LiCausi therefore did not have an opportunity to put before me all relevant evidence, Mr. LiCausi may attach to his brief any additional evidence that he contends creates a disputed issue of fact concerning the failure-to claim.

**BY THE COURT:**

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.